

Binding Arbitration Ballot Measure

Proposal from Police Officers'
Association and Firefighters' Union
for Binding Interest Arbitration
Ballot Measure
for November 2006 Election

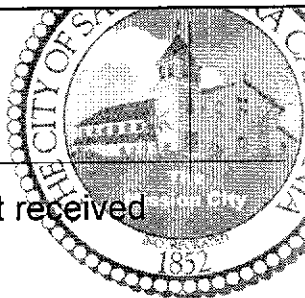


City Manager's Report
City Council Meeting May 9, 2006

Overview

- Council meeting Mar 21, '06 request received
- Responded to questions
- April 11th, 25th Study Sessions
- Replayed Sessions on Channel 15
- Held Community Forums
- Replayed Forums on Channel 15
- Reports and info placed online

May 9: Council to consider placement on ballot



Current Arbitration Request

"...method of resolving disputes between the City and the union and bargaining groups."

- Proposal is for **binding interest arbitration**
- Upon impasse issues are submitted to outside arbitrator (panel)
- Arbitrator makes final and **binding decision**
- City is obligated to implement

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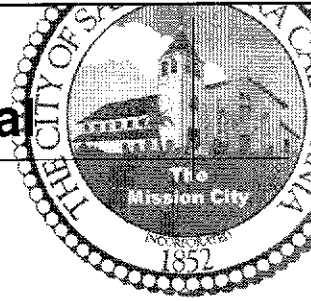
Ballot Measure Proposal

Provides that the City

*"...shall negotiate in good faith on **all matters, relating to the wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of disputes concerning the interpretation or application of any negotiated agreement.**"*

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Ballot Measure Proposal

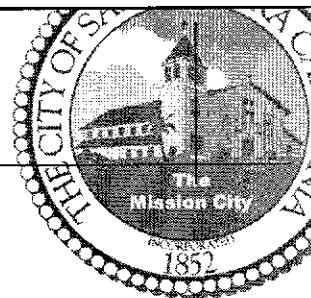


Also states that:

"...all [unresolved] disputes or controversies pertaining to wages, hours, or terms and conditions of employment"..."shall be submitted to binding interest arbitration."

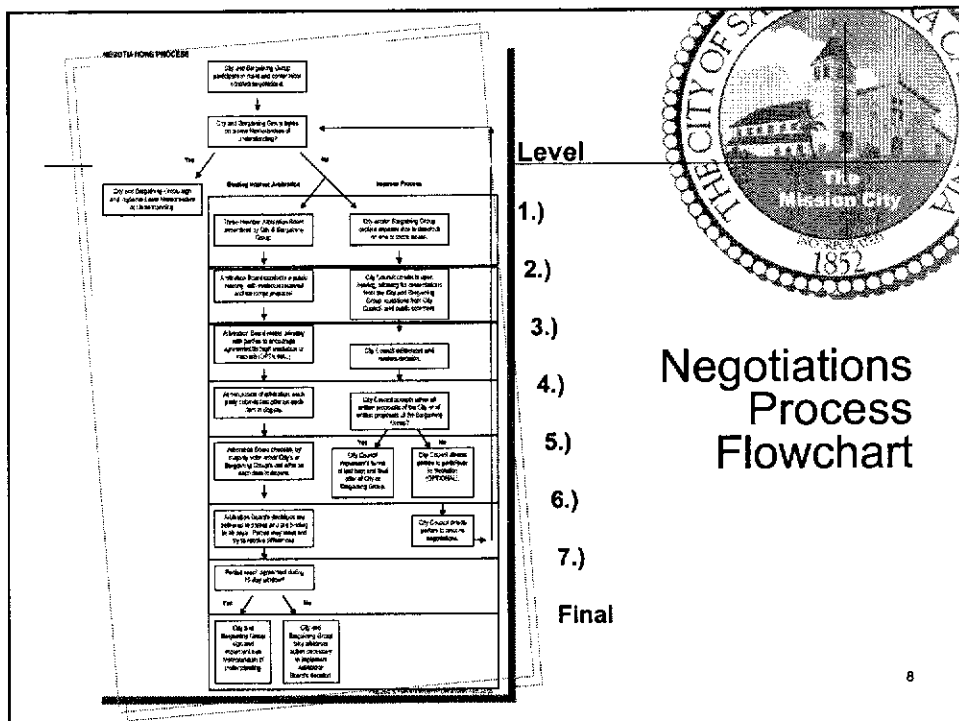
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Facts to Consider



- Approval affects:
 - City Charter,
 - Civil Service Commission
 - MOUs
 - Employer-Employee Relations Ordinance
 - CMDs
- Petitions are now circulating

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Five Options: #1

- Staff's recommendation: **Note & File**

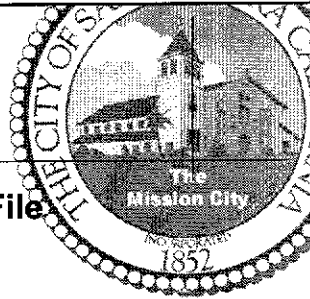
Advantages

- Consistent with previous Council action
- Supports initiative process
- No special interest group past practice/new precedent
- No Council-directed change to City Charter without citizen review

Disadvantages

- Exposes City to election cost up to \$95,000 if petition successful
- Not what the Public Safety Labor Unions want

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Five Options: #2

- Approve request to place on the Nov ballot

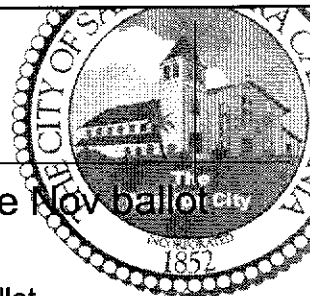
Advantages

- Assures that the issue will be on the ballot
- Consistent with the desire of the Labor Unions
- Union has offered to pay the cost of the ballot

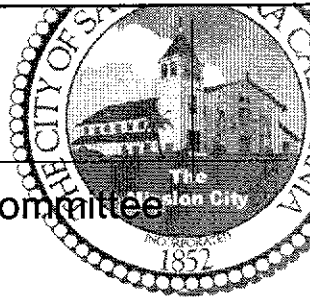
Disadvantages

- Subverts initiative process
- May appear Council supports the concept
- Creates expectation that Council will place other initiatives on ballot without the signature gathering process
- Not a level-playing field: City can't use resources to take position on measure once it is on the ballot; Unions can
- Will result in a loss of local control if it passes

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Five Options: #3



- Refer to City Charter Review Committee

Advantages

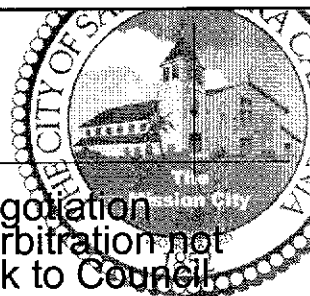
- Consistent with past practices
- Allows organized citizen input vs. short time for May 9 meeting
- Opens the door for compromise, new ideas
- Confirms confidence in process successful in previous issues
- Brings all stakeholders into discussion

Disadvantages

- Not enough time before Nov '06 election if Unions feel it has to be done by that time
- Public safety Labor groups may not support idea
- Charter Review Committee subject to political pressure?

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Five Options: #4



- Manager report on current negotiation steps, define alternatives to arbitration not in current process, report back to Council

Advantages

- Consistent with past of working collaboratively
- Some steps already identified
- Discover process superior to current and/or arbitration

Disadvantages

- Not in time for Nov '06 election for Charter change
- Does not satisfy Unions' goal

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Five Options: #5

- Council Ballot measure: **Arbitration limited to wages and benefits tied to salary, 5 votes**

Advantages

- Provides for arbitrators' input
- Maintains local control
- Addresses concerns of labor and management
- Maintains budget authority with vote specified in Charter
- Lets voters decide

Disadvantages

- Changes and lengthens current process
- Cost of arbitrators
- Delay in labor contract settlements
- Cost of elections to confirm award if voter approval required
- Meet & Consult needed to place on ballot

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Five Options: #5

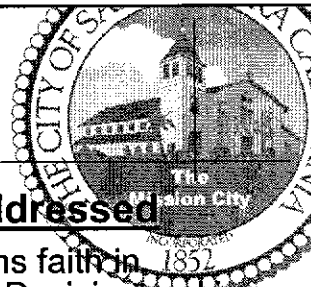
- Council ballot measure: **Arbitration limited to wages and benefits tied to salary**

Alternatives to 5 Council votes

- Award voted on by the electorate instead of Council
- Award voted on by majority of Council rather than five members

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Option #5: Other Considerations



Concerns

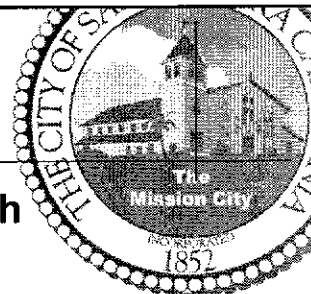
- Loss of local control
- Police & Fire Chiefs'
- Impact on Charter/need for Review Committee
- Outside decisions
- Cost of Election
- Election timing

How Addressed

- Maintains faith in Council Decision making process
- Wages and benefits only
- No Charter Change
- Provides impartial advisory arbitration
- Saves Money for City & Unions
- No Election needed

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Joint Management Recommendation



Option #5: Ordinance Approach

- Addresses City's issues of concern
- Shows support of unions' request for new approach
- Provides a collaborative solution

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